

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
MIDLAND/ODESSA DIVISION**

Secure Matrix LLC,

Plaintiff,

vs.

H-E-B Grocery Company, LP,

Defendant.

Civil Action No. 7:25-cv-00137-DC-DTG

Jury Trial Demanded

SCHEDULING ORDER

Pursuant to Federal Rule of Civil Procedure 16 and the Court's Order dated May 19, 2025

(Dkt. 18), the Court **ORDERS** that the following schedule shall govern in this case:

Deadline	Item
6/13/25	The parties shall file a motion to enter an agreed Scheduling Order. If the parties cannot agree, the parties shall submit a separate Joint Motion for entry of Scheduling Order briefly setting forth their respective positions on items where they cannot agree. Absent agreement of the parties, the Plaintiff shall be responsible for the timely submission of this and other Joint filings.
9/16/25	Plaintiff serves preliminary infringement contentions in the form of a chart setting forth where in the accused product(s) each element of the asserted claim(s) are found. Plaintiff shall also identify the earliest priority date (i.e. the earliest date of invention) for each asserted claim and produce: (1) all documents evidencing conception and reduction to practice for each claimed invention, and (2) a copy of the file history for each patent in suit.
10/14/25	Defendant serves preliminary invalidity contentions in the form of (1) a chart setting forth where in the prior art references each element of the asserted claim(s) are found, (2) an identification of any limitations the Defendant contends are indefinite or lack written description under section 112, and (3) an identification of any claims the Defendant contends are directed to ineligible subject matter under section 101. Defendant shall also produce (1) all prior art referenced in the invalidity contentions, and (2) technical documents, including software where applicable, sufficient to show the operation of the accused product(s).
10/28/25	Parties exchange claim terms for construction.
11/12/25	Parties exchange proposed claim constructions.

Deadline	Item
11/18/25	Parties disclose extrinsic evidence. The parties shall disclose any extrinsic evidence, including the identity of any expert witness they may rely upon with respect to claim construction or indefiniteness. With respect to any expert identified, the parties shall identify the scope of the topics for the witness's expected testimony. ¹ With respect to items of extrinsic evidence, the parties shall identify each such item by production number or produce a copy of any such item if not previously produced.
11/25/25	Deadline to meet and confer to narrow terms in dispute and exchange revised list of terms/constructions.
12/02/25	Defendant files Opening claim construction brief, including any arguments that any claim terms are indefinite.
12/23/25	Plaintiff files Responsive claim construction brief.
01/06/26	Defendant files Reply claim construction brief.
01/06/26	Parties to jointly email the law clerks (see OGP at 1) to confirm their Markman date and to notify if any venue or jurisdictional motions remain unripe for resolution.
01/20/26	Plaintiff files Sur-Reply claim construction brief.
01/26/26	Parties submit Joint Claim Construction Statement and email the law clerks an editable copy. See General Issues Note #9 regarding providing copies of the briefing to the Court and the technical advisor (if appointed).
01/27/26	Parties submit optional technical tutorials to the Court and technical adviser (if appointed).
02/03/26	Markman Hearing at 9:00 a.m. This date is a placeholder and the Court may adjust this date as the Markman hearing approaches.
01/29/26	Fact Discovery opens; deadline to serve Initial Disclosures per Rule 26(a).
03/10/26	Deadline to add parties.

¹ Any party may utilize a rebuttal expert in response to a brief where expert testimony is relied upon by the other party.

Deadline	Item
03/24/26	Deadline to serve Final Infringement and Invalidity Contentions. After this date, leave of Court is required for any amendment to Infringement or Invalidity contentions. This deadline does not relieve the Parties of their obligation to amend if new information is identified after initial contentions.
05/19/26	Deadline to amend pleadings. A motion is not required unless the amendment adds patents or patent claims. (Note: This includes amendments in response to a 12(c) motion.).
07/28/26	Deadline for the first of two meet and confers to discuss significantly narrowing the number of claims asserted and prior art references at issue. Unless the parties agree to the narrowing, they are ordered to contact the Court's law clerk to arrange a teleconference with the Court to resolve the disputed issues.
08/25/26	Close of Fact Discovery
09/01/26	Opening Expert Reports.
09/29/26	Rebuttal Expert Reports.
10/20/26	Close of Expert Discovery.
10/27/26	Deadline for the second of two meet and confer to discuss narrowing the number of claims asserted and prior art references at issue to triable limits. To the extent. If it helps the parties to determine these limits, the parties are encouraged to contact the Court's law clerk for an estimate of the amount of trial time anticipated per side. The parties shall file a Joint Report within 5 business days regarding the results of the meet and confer.
11/03/26	<p>Dispositive motion deadline and Daubert motion deadline.</p> <p><i>See</i> General Issues Note #9 regarding providing copies of the briefing to the Court and the technical advisor (if appointed).</p> <p>Deadline for parties desiring to consent to trial before the magistrate judge to submit Form AO 85, "Notice, Consent, And Reference Of A Civil Action To A Magistrate Judge," available at https://www.uscourts.gov/forms/civilforms/notice-consent-and-reference-civil-action-magistratejudge.</p>
11/17/26	Serve Pretrial Disclosures (jury instructions, exhibits lists, witness lists and deposition designations).
12/09/26	Parties to jointly email the Court's law clerk (see OGP at 1) contact Court to confirm their pretrial conference and trial dates.

Deadline	Item
12/01/26	Serve objections to pretrial disclosures/rebuttal disclosures.
12/08/26	Serve objections to rebuttal disclosures, file motions <i>in-limine</i> .
12/15/26	<p>File Joint Pretrial Order and Pretrial Submissions (jury instructions, exhibits lists, witness lists, discovery and deposition designations); file oppositions to motions <i>in limine</i>.</p> <p>From this date onwards, the parties are obligated to notify the Court of any changes to the asserted patents or claims. Such notification shall be filed on the docket within seven (7) days of the change and shall include a complete listing of all asserted patents and claims. If a change to the asserted patents or claims requires leave of court (for example, if a party is moving for leave to assert additional claims), notification shall not be required until the Court grants leave, at which point the notification must be filed within seven (7) days.</p>
12/22/26	<p>Deadline to file replies to motions <i>in limine</i>.</p> <p>File Notice of Request for Daily Transcript or Real Time Reporting. If a daily transcript or real time reporting of court proceedings is requested for trial, the party or parties making said request shall file a notice with the Court and email the Court Reporter.</p>
12/29/26	Deadline to meet and confer regarding remaining objections and disputes on motions <i>in limine</i> .
12/31/26	File joint notice identifying remaining objections to pretrial disclosures and disputes on motions <i>in limine</i> .
01/15/27 at 10AM	Final Pretrial Conference.
02/01/27 at 8AM	Jury Selection/Trial

SIGNED this 23rd day of June, 2025.



DEREK T. GILLILAND
UNITED STATES MAGISTRATE JUDGE